REMARKS

The rejections of any one of Claims 1-20 under 35 U.S.C. § 103(a) over Yates (US '638) or Yates and Ueda (US '957) are respectfully traversed.

It is noted that the Office has indicated that the "differences between Yates and the present invention are that Yates teaches a rhodium concentration of no more than 20 ppm, while applicants recited a rhodium concentration of 20 to 150 ppm, and Yates does not expressly teach as a ligand, the compound recited in instant claim 8" (see October 24, 2005 Office Action, page 3, lines 5-8).

Applicants note that this statement is not correct. It may be true that there may be some overlap between the initial rhodium concentrations. However, the difference lies in the recycled catalyst concentration not the initial catalyst concentration. In the examples 4 and 5 disclosed on pages 14-15 of the present specification, the initial rhodium concentration in the reactor is 10 ppm. The difference between the example according to the invention (Ex. 5) and the comparative example (Ex. 4) is the rhodium concentration of the recycled catalyst. In example 4 the rhodium concentration is 248 ppm, while in example 5 the concentration is 43 ppm. Although the rhodium concentration in both examples was set to 10 ppm the conversion rate yield was much higher in the example according to the invention.

Yates does not disclose the rhodium concentration in the recycled catalyst solution. Just for the sake of comparison, Applicants request that the Examiner consider Yates Example 2 (see US '638, cols. 5-6). In this example, the reaction mixture contains 10 ppm Rh (see col. 5, lines 41-42). Yates discloses recycling the mixture by taking the bottoms fraction (BTM, see Table 5) and combining the bottoms with another amount of 700 g of n-decenes (col. 5, lines 50-51). If one were to assume that no heterogeneous precipitation of

rhodium metal occurred after the first cycle, then the amount of recycled Rh would be at most 10 ppm. However, since Yates does not disclose the amount of Rh in the recycled fraction, then it is impossible to ascertain the recycled catalyst concentration. Since it is impossible to calculate this value, and since Yates does not disclose it, then there can be no true suggestion to be gleaned from this disclosure that would render the presently claimed process obvious.

It is believed that Ueda does nothing to satisfy the deficiency of the Yates disclosure.

Accordingly, Applicants respectfully request that the Examiner acknowledge the same and withdraw these rejections.

Applicants filed an Information Disclosure Statement on December 7, 2005, citing all but one of the patent references cited in the present application. The one remaining reference, EP 0272608 (which corresponds to US 4,822,917), cited on page 2, line 16, of the present specification is cited in the Information Disclosure Statement filed concurrently herewith. It is requested that the Examiner acknowledge these references.

Respectfully submitted,

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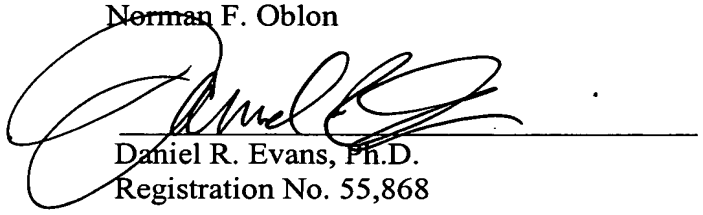

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